

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATI LEEAL, *et al.*,

Plaintiffs,

Case No. 17-cv-10645
Hon. Matthew F. Leitman

v.

DITECH FINANCIAL LLC,
F/K/A GREEN TREE SERVICING, LLC,

Defendant.

/

JUDGMENT

In accordance with the Court's Opinion and Order Granting Defendant's Renewed Motion for Summary Judgment (ECF No. 55), dated March 5, 2020, and the Court's Order Granting Defendant's Motion to Dismiss Defendant's Counterclaims (ECF No. 58), dated May 27, 2020,

IT IS HEREBY ADJUDGED AND DECLARED that:

- Judgment is entered in favor of Defendant Ditech Financial LLC ("Ditech") and against Plaintiffs Mati Leal and Malka Leal on all of the claims raised against Ditech in the Leals' Complaint (ECF No. 1, PageID.22–25).
- It is further declared that:

A. The September 17, 2015, Default Judgment entered by the Oakland County Circuit Court, Case No. 15-46929-CH, is not binding on Ditech;

B. The Mortgage – dated November 16, 2007, and recorded in Liber 39796 (*see* Mortgage, ECF No. 49-1, PageID.1170–1178; Note, ECF No. 49-1, PageID.1166–1168) – remains a valid and enforceable first lien Mortgage against the property at 29249 Chelsea Crossing, Farmington Hills, Michigan, as Mati Leeal and Malka Leeal could not adjudicate the underlying validity of the Note and Mortgage when the proper parties in interest were not named or represented in the 2015 action before the Oakland County Circuit Court; and

C. Ditech is entitled to exercise its statutory and contractual rights under the Mortgage, including foreclosure.

- Counts II and III of Ditech’s Counter-Complaint (ECF No. 17, PageID.539–544) are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DAVID J. WEAVER
CLERK OF COURT

By: s/Holly A. Monda
Deputy Clerk

Approved:

s/Matthew F. Leitman

MATTHEW F. LEITMAN
United States District Judge

Dated: June 23, 2020
Flint, Michigan